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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,129	01/28/2004	Brian Fowler	04079-1-0030	2109
26135 7590 05/25/2010 LOTT & FRIEDLAND, P.A. P.O. BOX 141098 CORAL GABLES, FL 33114-1098				
EXAMINER				
ADDY, THUAN KNOWLIN				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
05/25/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/766,129

Applicant(s)

FOWLER ET AL.

Examiner

THJUAN K. ADDY

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 14 and 15 is/are allowed.
- 6) ☒ Claim(s) 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
- _____ Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- _____ Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on February 25, 2010 has been entered. Claims 9, 10, and 14 have been amended. No claims have been cancelled. No claims have been added. Claims 1-15 are still pending in this application, with claims 1, 9, and 14 being independent.

Allowable Subject Matter

2. Claims 1-8, 14, and 15 are allowed.

3. The following is a statement of reasons for the indication of allowable subject matter: The invention as claimed is not disclosed nor rendered obvious in view of the prior art of record. As to independent claim 1, the prior art of record fails to teach or suggest, alone or in combination, the recited method for identifying a telephone number to a computer system for processing a telephone call over the Internet to a user assigned to the telephone number comprising receiving data entered into the computer system by a caller through a web browser, processing the telephone call through a packet switched data network to the telephone number if the telephone number is found in the data, and accessing a name server to translate the proxy into the telephone number for return to the computer system for processing the telephone call if the telephone number is not found in the data. As to independent claim 14, the prior art of record fails to teach or suggest, alone or in combination, the recited system that allows

users to place and receive calls using a web browser, the system comprising the web browser with the ability to parse web pages and identify a telephone number using a specified predictive or adaptive algorithm, the web browser enable to convert a detected telephone number into a URI and provide the URI as a hyperlink, and the web browser enabled to connect a user of the system with the telephone number associated with the URI by dialing the telephone number associated with the URI. No prior art was found that discloses or teaches the limitations of claims 1 and 14.

4. Claims 2-8 and 15 are dependent upon claims 1 and 14, respectively, therefore, claims 2-8 and 15 are allowed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 7,177,415), in view of Stanford (US Patent Application, Pub. No.: US 2007/0189500 A1).

6. In regards to claim 9, Kim discloses a method of parsing through web pages to identify a telephone number or a proxy (See col. 1-2 lines 61-2) comprising the steps of: using a specified predictive or adaptive algorithm to detect telephone number data (See col. 3 lines 9-24, col. 3 lines 35-53, and col. 4 lines 1-20). Kim, however, does not specifically disclose transforming each identified telephone number that is detected into a URI; providing a user with the transformed telephone number as a URI. Stanford, however, does disclose transforming each identified telephone number that is detected into a URI; providing a user with the transformed telephone number as a URI (See Abstract and pg. 2, paragraph [0014]). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this limitation within the system, as a way of setting up a call connection over a packet network, while decreasing call connection set up time for packet networks, such as VOP networks.

7. In regards to claim 10, Kim discloses all of claim 10 limitations, except the method, wherein the URI is provided to said computer system as a hyperlink on the web browser. Stanford, however, does disclose wherein the URI is provided to said computer system as a hyperlink on the web browser (See Abstract and pg. 2, paragraph [0014]).
8. In regards to claim 11, Kim discloses all of claim 11 limitations, except the method, wherein the web browser dials the telephone number associated with said URI. Stanford, however, does disclose wherein the web browser dials the telephone number associated with said URI (See Abstract and pg. 2, paragraph [0014]).
9. In regards to claim 12, Kim discloses all of claim 12 limitations, except the method, wherein the web browser dials the telephone number through a distributed proxy server. Stanford, however, does disclose wherein the web browser dials the telephone number through a distributed proxy server (e.g., Call Management Module {CMM}) (See pg. 3, paragraph [0028]).
10. In regards to claim 13, Kim discloses all of claim 13 limitations, except the method, wherein said web browser dials the telephone number through an IP gateway. Stanford, however, does disclose wherein said web browser dials the telephone number through an IP gateway (See pg. 4, paragraph [0039]).

Response to Arguments

11. Applicant's arguments filed 02/25/2010, regarding claim 9, have been fully considered but they are not persuasive.

12. In response to Applicant's arguments that claim 9 is directed to a method of parsing through web pages to identify a telephone number or a proxy... Examiner respectfully disagrees. The limitation which Applicant is arguing is only recited in the preamble. In response to applicant's arguments, the recitation "...parsing through web pages on a web browser to identify a telephone number or a proxy..." has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Therefore, as currently written, it is not necessary for the above limitation of claim 9, to be disclosed by Kim.

13. In response to Applicant's argument, regarding claim 9, that Kim does not disclose a specified predictive or adaptive algorithm to detect a phone number, Examiner respectfully disagrees. Kim does disclose using a specified predictive or adaptive algorithm to detect telephone number data (See col. 3 lines 9-24, col. 3 lines 35-53, and col. 4 lines 1-20).

14. In response to Applicant's argument, regarding claim 9, that Kim does not use the Internet to place the call, rather uses a land-based line to place the call, Examiner would like to bring to Applicant's attention that this feature is not recited in claim 9. Claim 9 does not recite the limitation of a call whatsoever, and more specifically so, does not recite the use of the Internet for the call. Claim 9 merely recites providing a telephone number as a URI to a user. There is no recitation of a call being placed.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.
16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/
Primary Examiner, Art Unit 2614